



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 16 April 2004

EXPIRATION DATE: 18 May 2004

REFERENCE NUMBER: POA-2004-484-2

WATERWAY NUMBER: Tongass Narrows

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Ms. Sharon Preston, P.O. Box 5592, Ketchikan, Alaska 99901. Telephone (907)247-4528.

LOCATION: On Pennock Island, in section 32, T. 75 S., R. 91 E., Copper River Meridian, Latitude 55° 19' 35" N., Longitude 131° 37' 36" W. across Tongass Narrows East Channel from Ketchikan, Alaska.

WORK: Remove approximately 30 cubic yards (cy) of rocks from an 80-foot long by 50-foot wide by 0.2-foot deep area above Mean Lower Low Water (MLLW), in front of the house to construct a 50-foot by 3-foot by 5-foot sea wall at the High Tide Line (HTL). Relocate rocks to the outskirts of an area 25-feet to either side of the floating walkway. Construct a 70-foot X 20-foot floating dock, anchored to two 16-inch diameter steel piles and connected to shore by a 250-foot X 8-foot floating walk way, anchored by two 12-inch diameter steel pilings. Concrete blocks (30-inch X 30-inch X 79-inch) would be evenly spaced and seated into the ocean bottom between the HTL and the MLLW line for the walkway to set on at low tide. A breakwater of 80-foot logs lashed together would be established around the dock, held in place by concrete blocks used as anchors.

PURPOSE: To construct a recreational floating dock with improved access to a personal residence and protection from wave/water action.

ADDITIONAL INFORMATION: Docks on either side currently extend farther into Tongass Narrows than the proposed structures. For additional information, contact the applicant at the above address/telephone number.

MITIGATION: None proposed.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources because the contour and basic composition of the sea bottom would not be changed.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended

use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision; comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Dennis Stone at (907) 753-2720, toll free from within Alaska at (800) 478-2712, or by email at dennis.a.stone@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

PROJECT DESCRIPTION

1. This project consists of constructing a floating dock and walkway, installing breakwater logs, moving rocks and debris within the tideland area, and constructing a sea wall, to improve the access to a personal residence.
2. This project will consist of constructing a 20' X 70' floating dock approximately 250' from the shoreline at high tide. The dock will be permanently anchored to two 16" diameter steel piles. An 8 ft wide floating walkway will then be constructed that will be attached to the dock and extend approximately 250 ft to the shore. Two 12" diameter steel piles will be used to anchor the floating walkway. All piles will be driven 7 to 15 ft depending upon site conditions. Concrete blocks 30" X 30" X 79" will be evenly spaced at 15' intervals directly below the floating walkway. (See details attached) As the tide moves out, the floating walkway will come to rest on the concrete blocks, preventing it from coming into contact with the shore.

80' logs will be bound together, end to end, and placed around the dock and walkway to serve as a breakwater. The logs will be anchored to concrete blocks sunk directly there.

Rocks and other debris below the mean high water (14.5'), 25' on each side of the floating walkway, will be moved, but will remain below the mean high water. Rocks and debris above mean high water will be collected to form a sea wall at high tide (approx. 19.6'). The sea wall will be approximately 3' wide, 5' tall, and 50' long requiring about 30cy of material. See attached drawings for details on area of rocks and debris to be moved.

Project Timeline

Early June	Begin moving rocks and debris below mean high water.
Late June	Relocate rocks above mean high water to form sea wall.
Early July	Begin driving steel piles and begin constructing the floating dock and walkway.
Late July	Place concrete blocks to serve as support for the walkway.
August	Install dock and walkway.
Early September	Place breakwater logs.

DEPARTMENT OF NATURAL RESOURCES (DNR) APPROVALS

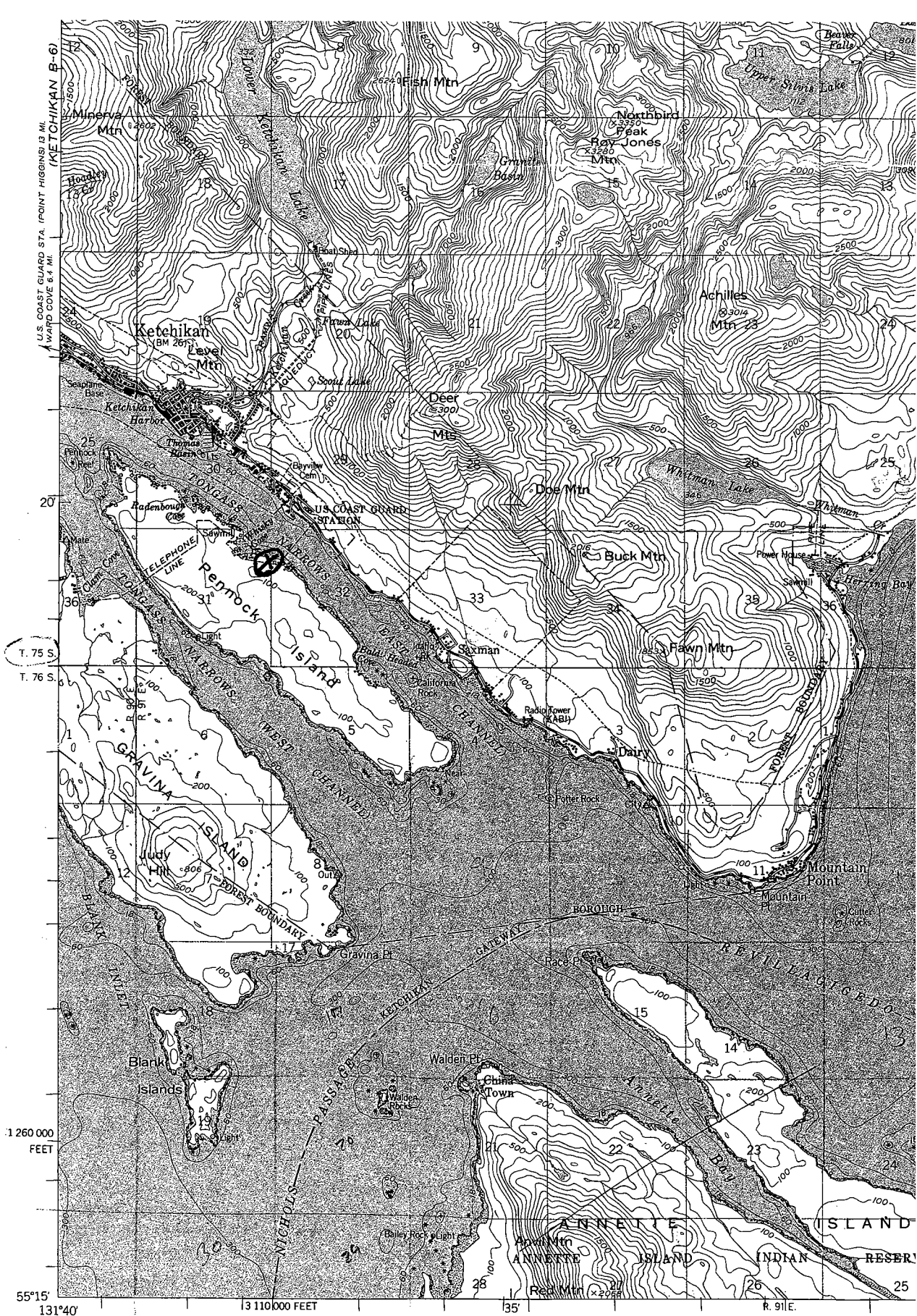
16. Per question #1, Jim Andersen informed me on 3/9/04 that no DNR approvals would be required for the dock because it appears, per phone conversation, it is a generally allowed use. Mr. Andersen will make a final verification when he sees the final ACMP packet.

On 3/11/04, Ted Deats informed me that rocks above mean high water are the property of the owner and those below are the property of the State. I would not need to purchase any material if I use rocks above mean high water to construct the sea wall. All rocks below the mean high water line will be moved, but will remain below mean high water.

SHARON PRESTON

POA-2004-484-2 TONGASS NARROWS
12 APRIL 2004 PAGE 1 OF 6

(X) = site

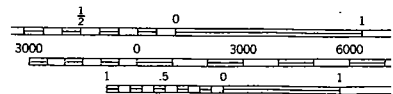


(KETCHIKAN A-6)

Mappr
Contr
Topog
taken
Select
8075,
H-21

Univers. Transverse Mercator projection, 1927 North American datum.
10,000-foot grid based on Alaska coordinate system, zone 9
1000-meter Universal Transverse Mercator grid ticks,
zone 1, shown in blue

SHARON PRESTON
POA-2004-484-2 TONGASS NARROWS
12 APRIL 2004 PAGE 2 OF 6



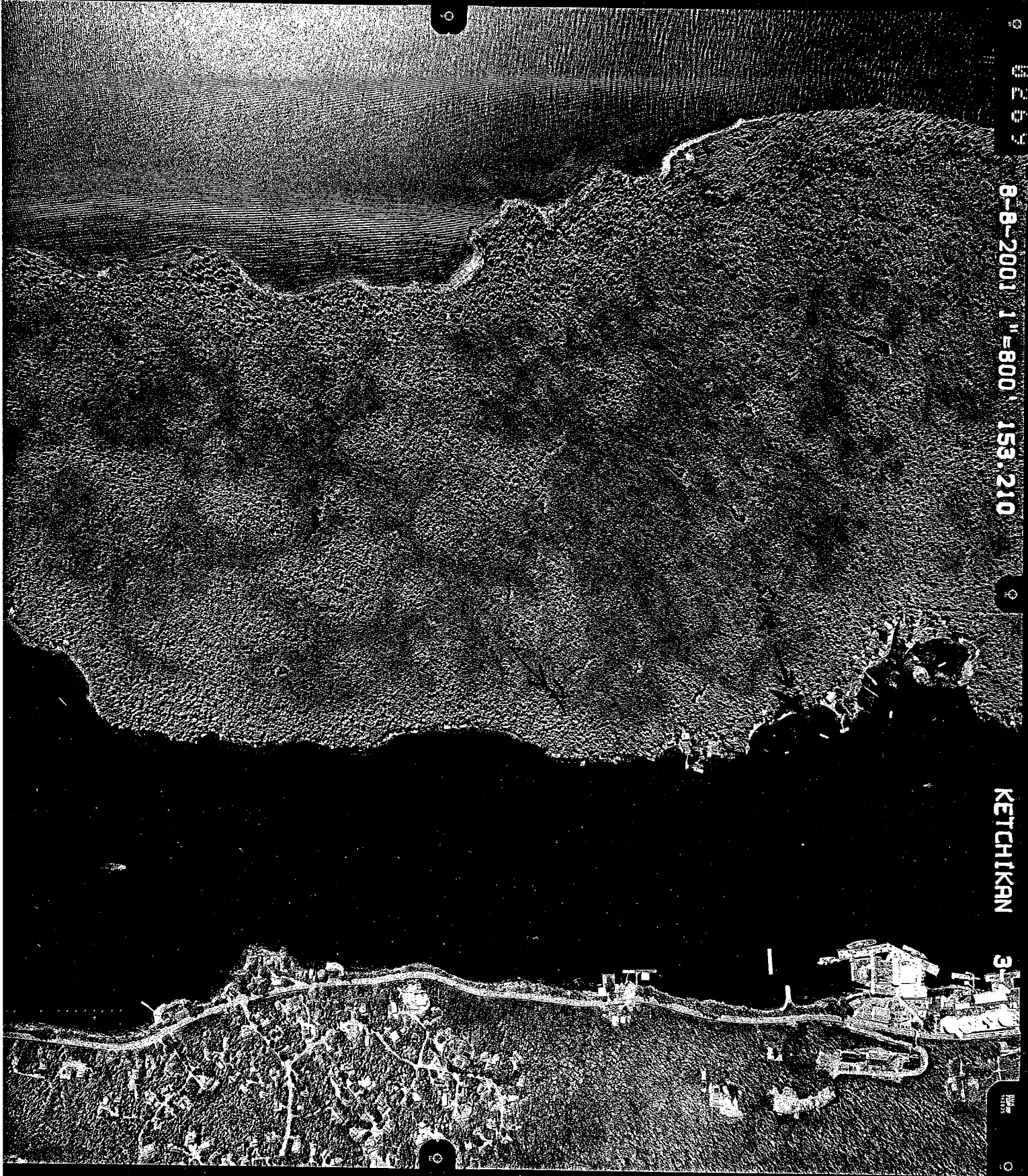
APPROXIMATE MEAN LOW WATER
DECLINATION, 1955
Shoreline shown represents the average of

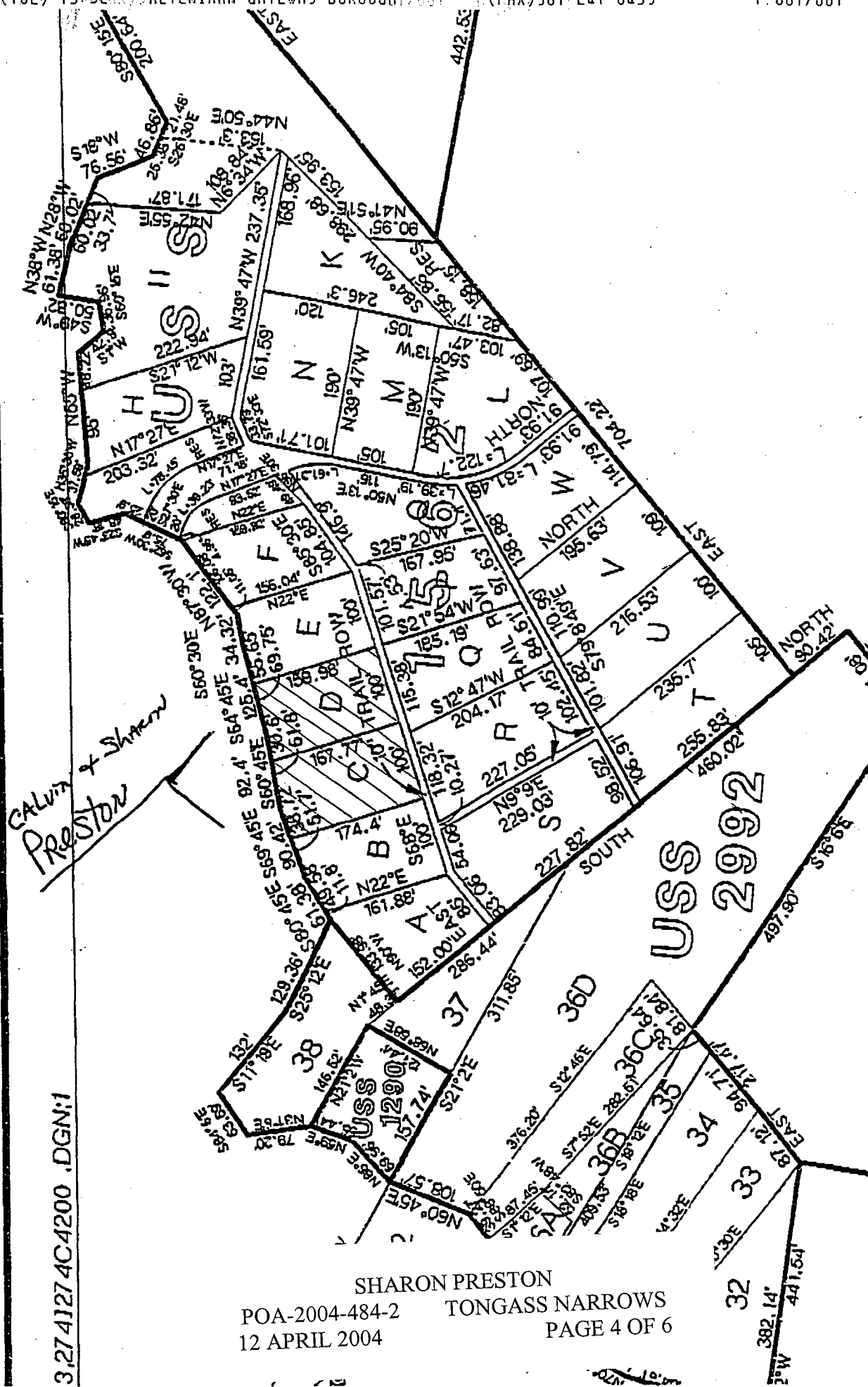
CONT
NATIONAL GE
DEPTH CURVES IN F
SHORELINE SHOWN REPR
THE AVERAGE F

0 0 2 6 3
8-8-2001 1"=800' 153.210

KETCHIKAN

3

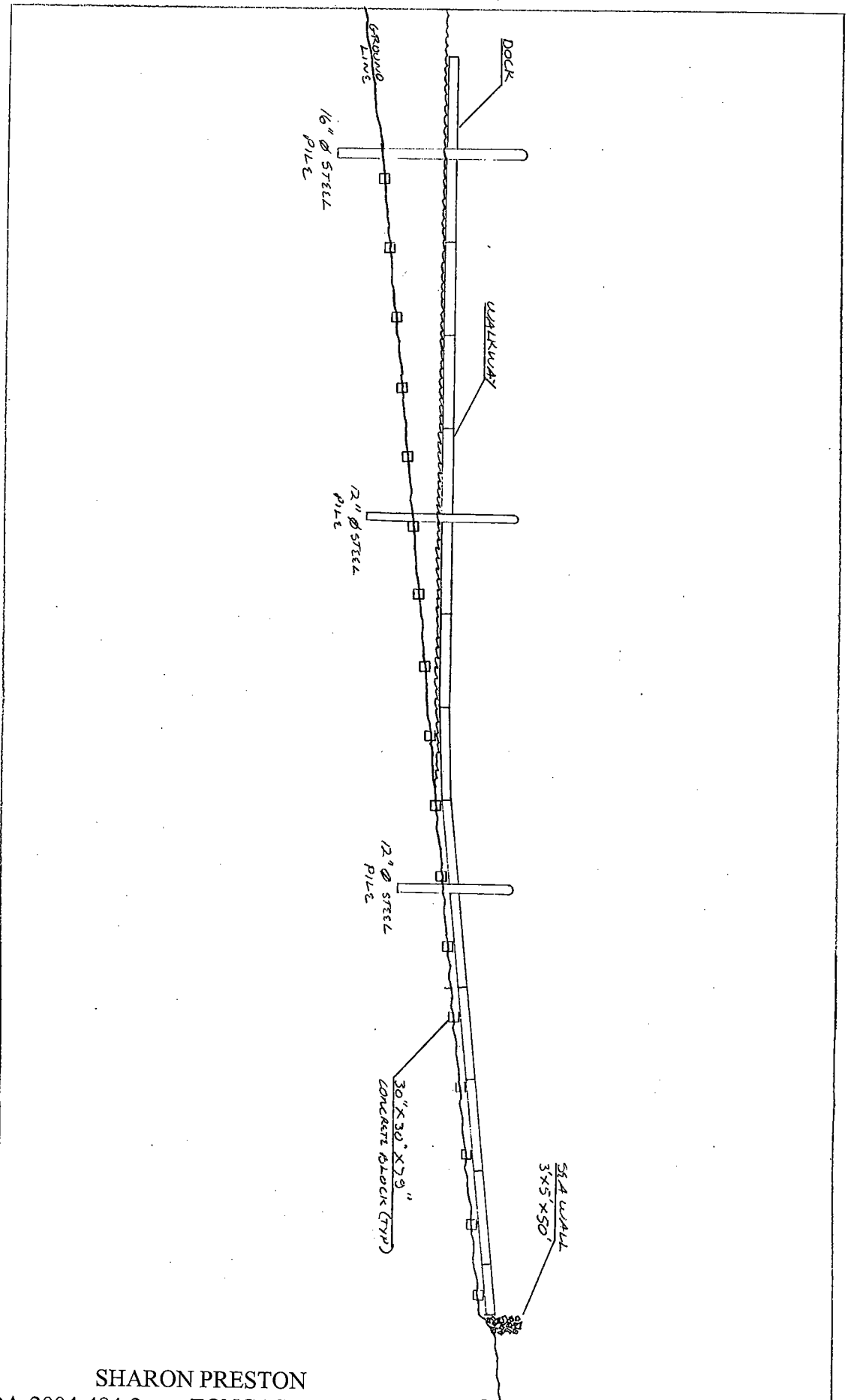


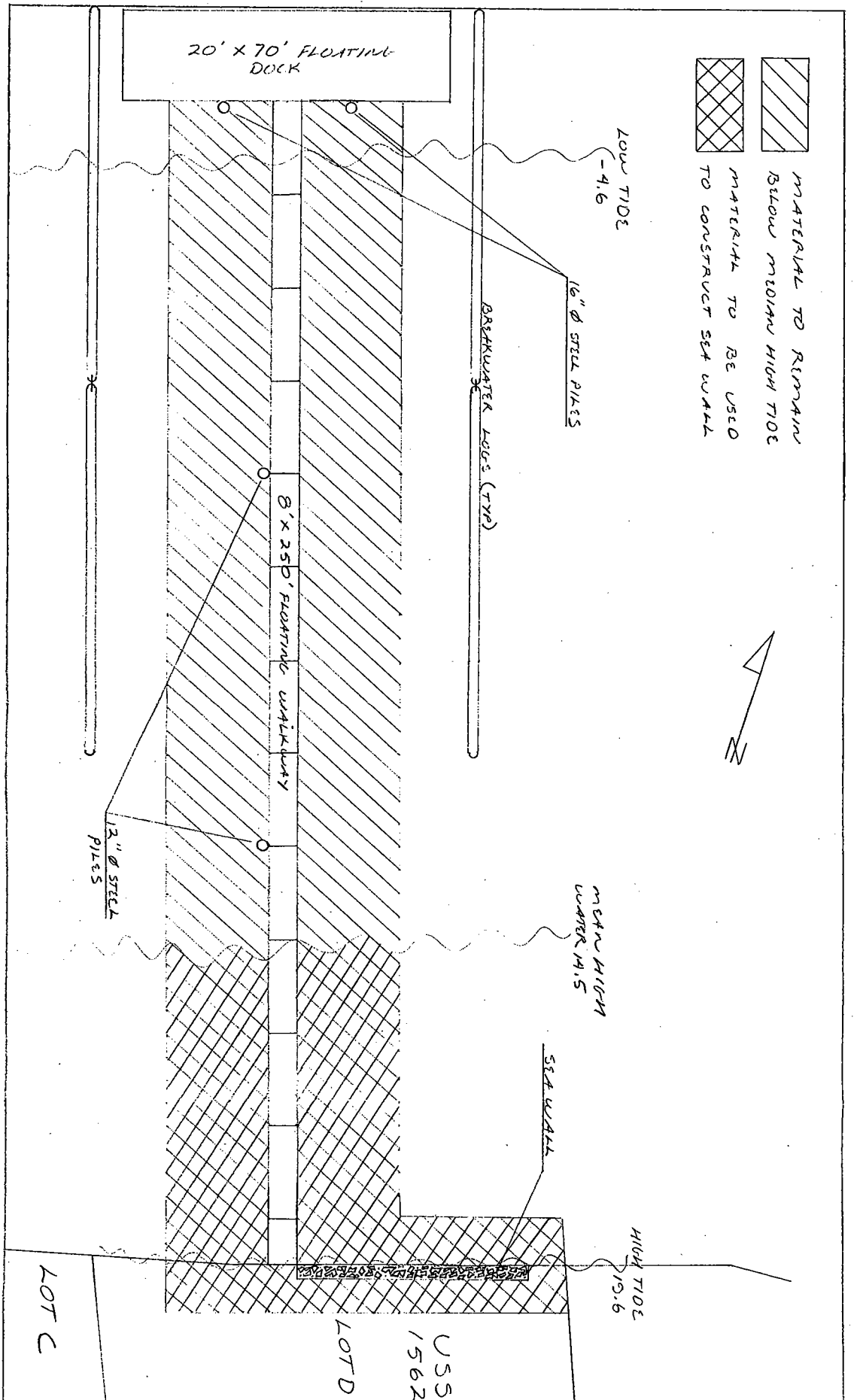


3.2741274C4200 .DGN:1

SHARON PRESTON
POA-2004-484-2 TONGASS NARROWS
12 APRIL 2004 PAGE 4 OF 6

225-7925





STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2004-484-2, Tongass Narrows,** will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2004-484-2, Tongass Narrows**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274